

REMARKS:

Regarding Claim Amendments and New Claim 23:

The pending claims have been amended (and new claim 23 written) to recite that the claimed vehicle is an articulated vehicle (a specific type of vehicle which is well known in the art and which is described in detail in the background of the invention) having first and second frame halves that are rotated relative to one another about a longitudinal axis of the vehicle into a basic position utilizing a positioning arrangement.

Claim 19 has been cancelled.

Rejection Under 35 U.S.C. §102(b):

The Examiner has rejected claims 1-4, 8-11, 15-17 and 20-22 under 35 USC §102(e) as being anticipated by **Scotese** (US 2002/0093153). It is well accepted that anticipation under §102 can only be found if a reference shows exactly what is claimed in as complete detail as is contained in the patent claim.¹ For easy reference, the text of independent claims 1, 16 and 23 is provided immediately below:

¹ See *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (CAFC 1985) and *Richardson v. Suzuki Motor co.*, 868 F.2d 1226, 9 USPQ2d 1251, 9 USPQ2d 1913 (CAFC 1989).

1. An articulated vehicle comprising:

a first and a second frame half connected to an articulation that allows the first and the second frame halves to rotate in relation to one another about a longitudinal axis of the vehicle;

a positioning arrangement comprising at least one adjusting device; and

said positioning arrangement further comprising at least one means of operation operated by said at least one adjusting device in order to rotate the first and second frame halves about the longitudinal axis of the vehicle into a predefined basic position in relation to one another.

16. A method in an articulated vehicle having an articulation which allows a first and a second frame half to rotate in relation to one another about the vehicle longitudinal axis for rotating the first and the second frame halves into a predefined basic position in relation to one another, said method comprising: rotating at least one of the frame halves about the longitudinal axis of the vehicle into the predefined basic position by means of at least one adjusting device.

23. An articulated vehicle comprising:

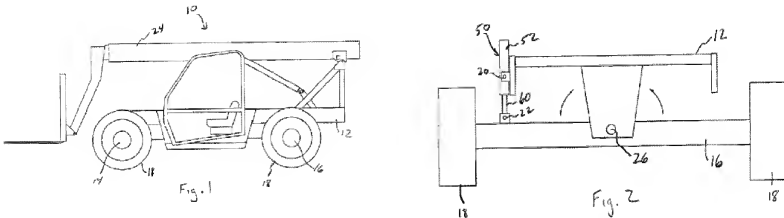
a first and a second frame half connected to an articulation that allows the first and the second frame halves to rotate in relation to one another about a longitudinal axis of the vehicle and wherein each of said first and second frame halves carries a wheel axle;

a positioning arrangement comprising at least one adjusting device; and

said positioning arrangement further comprising at least one means of operation operated by said at least one adjusting device in order to rotate the first and second frame halves about the longitudinal axis of the vehicle into a predefined basic position in relation to one another.

As now specifically recited, the claimed vehicle is an articulated vehicle which is well known by those persons having skill in these arts. It is disclosed that an articulated vehicle has a frame that is divided into front and rear frame halves that are connected for rotation about a longitudinal axis of the vehicle relative to one another. As amended (and originally written with respect to claim 23), it is these first and second frame halves (not merely any vehicle section as previously recited) that are rotatable relative to one another into the predefined basic position. Claim 23 further recites that each frame half carries a wheel axle.

An articulated vehicle having first and second frame halves that are rotated relative to one another about a longitudinal axis of the vehicle into a basic position utilizing a positioning arrangement is clearly not disclosed, taught or suggested in Scotese. This is best evidenced by the drawings of Figs. 1 and 2 of Scotese, together with the related textual description as shown immediately below:



[0016] Referring to FIGS. 1 and 2, an illustrative industrial vehicle 10 is shown. The vehicle 10 generally comprises a frame 12 pivotally connected to front and rear axles 14, 16 at respective pivot unions 26. The pivot unions 26 allow the axles 14, 16 to tilt relative to the frame 12 as indicated by the arrows in FIG. 2. *Scotese (US 2002/0093153)*

From these excerpts from Scotese, it is clear that there is no disclosure, teaching or even suggestion of an articulated vehicle having first and second frame halves that are rotated relative to one another about a longitudinal axis of the vehicle into a basic position utilizing a positioning arrangement. As such, it is respectfully asserted that the presently pending claims are not anticipated by Scotese, nor are the claims obvious in view thereof.

Rejection Under 35 U.S.C. §103:

The Examiner has rejected claim 18 as being obvious under 35 USC §103(a) over Scortese in view of **Plate** (US 5,639,119). Plate, however, does not make up the deficiencies of Scortese pointed out above; namely, Plate does not disclose, suggest or teach an articulated vehicle having first and second frame halves that are rotated relative to one another about a longitudinal axis of the vehicle into a basic position utilizing a positioning arrangement. Therefore, it is respectfully urged that neither claim 18 nor any other pending claim of the present application is obvious over Scortese in view of Plate.

Conclusion:

In view of the comments above, the patentability of the presently pending claims is respectfully asserted.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 7589.0146PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

Novak, Druce & Quigg, LLP
1000 Louisiana, Suite 5300
Houston, Texas 77002
(713) 571-3400
(713) 456-2836 (fax)
tracy.druce@novakdruce.com

Respectfully submitted,



Tracy W. Druce, Esq.
Reg. No. 35,493